

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/690,246	CHEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Stuart F. Baum	1638	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to paper filed 8/3/2005.
2. ☒ The allowed claim(s) is/are 1, 7-26, 30, 33-34 and 36 (renumbered 1-25).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                              |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>1005</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>8/3/2005</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                                      |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                               | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                |
|  | 9. <input type="checkbox"/> Other _____.   |

Stuart F. Baum

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Clifford J. Mass on 10/6/2005.

#### IN THE CLAIMS:

Claims 27-29, 31-32, and 37-39 have been canceled.

--Claim 1 (currently amended) An isolated nucleic acid molecule that affects floral development in orchid, which nucleic acid molecule is selected from the group consisting of:

- (a) a nucleic acid molecule, PeMADS2, comprising the nucleotide sequence of SEQ ID NO:1;
  - [(b) a nucleic acid molecule, PeMADS3, comprising the nucleotide sequence of SEQ ID NO:3;
  - (c) a nucleic acid molecule, PeMADS4, comprising the nucleotide sequence of SEQ ID NO:5;
  - (d) a nucleic acid molecule, PeMADS5, comprising the nucleotide sequence of SEQ ID NO:7;]
- and

[(f)] (b) a nucleic acid molecule comprising degenerate sequences of [one of the nucleotide sequences of] SEQ ID NO:1[, 3, 5, or 7] which encodes [a] the PeMADS protein of SEQ ID NO:2[, 4, 6 or 8 respectively].--

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--Claim 11 (currently amended) [A] An isolated cell transformed with the vector according to claim 7.--

--Claim 30 (currently amended) A method for controlling floral development in orchid, which comprises[: (a) providing] transforming an orchid plant with a nucleic acid molecule according to claim 1, said nucleic acid molecule encoding a protein that is expressed in said plant [in an amount; and (b) changing the amount of the protein in the plant].--

--Claim 33 (currently amended) The method according to claim 30, wherein [the amount of the protein is changed by using] a gene gun is used to introduce the nucleic acid molecule into the cell.--

--Claim 36 (currently amended) The isolated nucleic acid molecule according to claim 1, which [comprises] consists of the nucleotide sequence of SEQ ID NO:1.--


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stuart F. Baum whose telephone number is 571-272-0792. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones can be reached on 571-272-0745. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

Stuart F. Baum Ph.D.  
Patent Examiner  
Art Unit 1638  
October 7, 2005

  
**ELIZABETH MCELWAIN**  
**PRIMARY EXAMINER**